

Approved: \_\_\_\_\_ Mayor

Veto: \_\_\_\_\_

Override: \_\_\_\_\_

**RESOLUTION NO. Z-35-04**

WHEREAS, ACROPOLIS REALTY LLC had applied to Community Zoning Appeals Board 12 for the following:

- (1) RU-5A & BU-1 to OPD
- (2) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limited the commercial uses and tied the BU-1 site to a plan.

- (3) The applicant is requesting to permit a lot with an area of 2.94 acres. (The underlying zoning district regulation requires 3 acres including right-of-way dedication).
- (4) The applicant is requesting to permit a floor area ratio of 0.94. (The underlying zoning regulation permits 0.86).

Plans are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to OPD (Item #1) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and

that the requested deletion (Item #2), and the requests to permit a lot with an area of 2.94 acres (Item #3) and to permit a floor area ratio of 0.94 (Item #4) would not be in harmony with the general purpose and intent of the regulations and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested waiver of the re-filing period should be granted and said application was denied by Resolution No. CZAB12-6-04, and

WHEREAS, **ACROPOLIS REALTY LLC** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

- (1) RU-5A & BU-1 to OPD
- (2) The applicant is requesting to permit a lot with an area of 2.94 acres (3 acres required).
- (3) The applicant is requesting to permit a floor area ratio of 0.94 (0.86 permitted).

OR IN THE ALTERNATIVE TO REQUESTS #1 - #3, THE FOLLOWING:

- (4) RU-5A & BU-1 to RU-5A

AND WITH EITHER REQUEST:

- (5) DELETION of a Declaration of Restrictions recorded in Official Record Book 11841 at Pages 1328 through 1329.

The purpose of the request is to remove an agreement from the site, which limits the uses on the commercial parcel and ties the site to a specific plan.

Upon a demonstration that the applicable standards have been satisfied, approval of requests #2 & #3 may be considered under §33-311 (A)(4)(b) (Non-Use Variance) or (c) (Alternative Non-Use Variance) and approval of request #5 request may be considered under §33-311(A)(7) or §33-311(A)(17) (Modification or Elimination of Conditions or Covenants After Public Hearing).

Plans for the OPD proposal only are on file and may be examined in the Zoning Department entitled "Agora Professional Building," as prepared by Fullerton-Diaz Architects, Inc., dated revised 9-2-03 and 10-2-03 and consisting of 8 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: The south ½ of the south ½ of the NE ¼ of the NE ¼ of the NE ¼, less the east 35' thereof and less the west 25' thereof, in Section 4, Township 55 South, Range 40 East. The south 20' of the right-of-way of S.W. 89 Terrace and the east 25' of S.W. 88 Avenue, thereof shall be added to the buildable site.

LOCATION: 8960-70 S.W. 87 Court, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and

*WHEREAS*, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board to vacate resolution CZAB12-6-04 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend, and

*WHEREAS*, a motion to vacate resolution CZAB12-6-02 and to remand the application back to Community Appeals Board 12 for further consideration with leave to amend was offered by Commissioner Rebeca Sosa, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	absent	Dennis C. Moss	absent
Jose "Pepe" Diaz	aye	Dorin D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye
Chairperson Barbara M. Carey-Shuler		aye	

*NOW THEREFORE BE IT RESOLVED* by the Board of County Commissioners, Miami-Dade County, Florida, that Resolution CZAB12-6-04 is vacated and that the application is hereby remanded to Community Zoning Appeals Board 12 for further consideration with leave to amend.

*BE IT FURTHER RESOLVED* that Resolution No. CZAB12-6-04 is hereby null and void.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

***THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED*** this 21<sup>ST</sup> day of October, 2004, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 03-11-CZ12-1

ej

HARVEY RUVIN, Clerk  
Board of County Commissioners  
Miami-Dade County, Florida

By **KAY SULLIVAN**  
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 4<sup>TH</sup> DAY OF NOVEMBER, 2004.

**STATE OF FLORIDA**

**COUNTY OF MIAMI-DADE**

I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-35-04 adopted by said Board of County Commissioners at its meeting held on the 21<sup>st</sup> day of October, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 4<sup>th</sup> day of October, 2004.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade County Department of Planning and Zoning

SEAL





**Department of Planning and Zoning**

Stephen P. Clark Center

111 NW 1st Street • Suite 1210

Miami, Florida 33128-1902

T 305-375-2800

[miamidade.gov](http://miamidade.gov)

ADA Coordination

Agenda Coordination

Animal Services

Art in Public Places

Audit and Management Services

Aviation

Building

Building Code Compliance

Business Development

Capital Improvements Construction Coordination

Citizens' Independent Transportation Trust

Commission on Ethics and Public Trust

Communications

Community Action Agency

Community & Economic Development

Community Relations

Consumer Services

Corrections & Rehabilitation

Cultural Affairs

Elections

Emergency Management

Employee Relations

Empowerment Trust

Enterprise Technology Services

Environmental Resources Management

Fair Employment Practices

Finance

Fire Rescue

General Services Administration

Historic Preservation

Homeless Trust

Housing Agency

Housing Finance Authority

Human Services

Independent Review Panel

International Trade Consortium

Juvenile Assessment Center

Medical Examiner

Metro-Miami Action Plan

Metropolitan Planning Organization

Park and Recreation

**Planning and Zoning**

Police

Procurement Management

Property Appraiser

Public Library System

Public Works

Safe Neighborhood Parks

Seaport

Solid Waste Management

Strategic Business Management

Team Metro

Transit

Task Force on Urban Economic Revitalization

Vizcaya Museum And Gardens

Water & Sewer

**DIRECT DIAL: (305) 375-4149**

**DIRECT FAX: (305) 375-1239**

November 5, 2004

Acropolis Realty LLC  
c/o Chad Willard  
999 Ponce de Leon Boulevard  
Suite 1000  
Coral Gables, FL 33134

Re: Hearing No. 03-11-CZ12-1  
Location: 8960-70 S.W. 87 Court,  
Miami-Dade County, Florida

Dear Appellant:

Enclosed herewith is Resolution No. Z-35-04, adopted by the Board of County Commissioners, which vacated resolution CZAB12-6-04 and remanded the application back to Community Appeals Board 12 for further consideration with leave to amend on the above-described property.

Sincerely,

Earl Jones  
Deputy Clerk

Enclosures